

ASSEMBLY BILL

No. 2052

Introduced by Assembly Member Buchanan

February 23, 2012

An act to amend Section 21080.1 of the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 2052, as introduced, Buchanan. Environmental quality: CEQA.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant impact on the environment or to adopt a negative declaration if it finds that the project will not have that impact. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA provides for the judicial review of a lead agency's decision to certify an EIR.

This bill would make a technical, nonsubstantive change to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21080.1 of the Public Resources Code
2 is amended to read:

3 21080.1. (a) The lead agency shall be responsible for
4 determining whether an environmental impact report, a negative
5 declaration, or a mitigated negative declaration shall be required
6 for any project—~~which~~ *that* is subject to this division. That
7 determination shall be final and conclusive on all persons, including
8 responsible agencies, unless challenged as provided in Section
9 21167.

10 (b) In the case of a project described in subdivision (c) of Section
11 21065, the lead agency shall, upon the request of a potential
12 applicant, provide for consultation prior to the filing of the
13 application regarding the range of actions, potential alternatives,
14 mitigation measures, and any potential and significant effects on
15 the environment of the project.